IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 3RD APRIL 2007 / 13TH CHAITHRA 1930

Crl.MC.No. 970 of 2007()

(CRIME NO.49/2007 OF PATTAMBI POLICE STATION)
CRMP.368/2007 of SESSIONS COURT, PALAKKAD

.....

PETITIONER:

SHAHUL HAMEED,AGED 46 YEARS,S/O.MUHAMMED
PULAKKAL HOUSE,ONGALLUR,KALLDIPATTA POST,
(VIA) PATAMBI,PALAKKAD DISTRICT.

BY ADV. SRI.SANTHEEP ANKARATH

RESPONDENTS:

STATE OF KERALA REPRESENTED BY ITS
PUBLIC PROSECUTOR,HIGH COURT OF KERALA,ERNAKULAM
REPRESENTING SUB INSPECTOR OF POLICE,PATTAMBI
POLICE STATION.

BY PUBLIC PROSECUTOR SRI.GIKKU JACOB

THIS CRIMINAL MISC. CASE HAVING COME UP FOR ADMISSION ON 03/04/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

CRL.M.C.NO. 970 OF 2007

Dated this the 3rd day of April, 2007

ORDER

The petitioner faces allegations, inter alia, under Sec.307 of the IPC. The crux of the allegation is that the petitioner, who was riding a motorcycle, attempted to cause the death of the victim by knocking against him with the vehicle which he was riding. The petitioner was enlarged on bail as per the order of the learned Sessions Judge dated 1/2/07. According to the petitioner, the allegations are totally false. They are raised with oblique motives. The petitioner has been compelled to face ignominy when he appears before the Investigating Officer in compliance with the condition imposed by the learned Sessions Judge. The very allegation smacks of ulterior motive. The petitioner moved the learned Sessions Judge for modification of the condition. The said petition was dismissed by the learned Sessions Judge. The

petitioner has been scrupulously observing the condition for the past more than 2 months. In these circumstances, it is prayed that the condition imposed on the petitioner that he should report before the Investigating Officer on all Mondays and Thursdays between 10 a.m. and 1 p.m. till final report is filed, may now be set aside or, at least, modified.

2. Notice was given to the learned Public Prosecutor. The learned Public Prosecutor opposes the application. He submits that the petitioner has filed an application to get the investigation conducted by a different police officer. That petition is pending. The presence of the petitioner is necessary for interrogation. In these circumstances, the condition may not be deleted or modified at this stage, submits the learned Public Prosecutor.

3. I have considered the submissions made at the Bar. I do note that the condition has been remaining in force for a fairly long period of time. I find merit in the prayer of the learned counsel for the petitioner that the condition does not deserve to be continued endlessly. I am satisfied, in these circumstances, that subject to appropriate safeguards, the condition imposed on the petitioner can be modified.

4. In the result, this Crl.M.C. is allowed. The said condition is modified and it is directed that the petitioner need hereafter make himself available before the Investigating Officer only as and when directed by the Investigating Officer in writing to do so. The petitioner shall, within 7 days, furnish to the Investigating Officer the address of his place of residence and shall keep the Investigating Officer informed of any future change of such address.

Sd/-
(R. BASANT, JUDGE)

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P.S. to Judge